REMARKS

This application has been reviewed in light of the non-final Office Action mailed on October 15, 2008. Claims 1-15, 19-20, and 22 are pending in the application with Claims 1, 19, 20, and 22 being in independent form. By the present amendment, the specification and Claims 1-13, 14-16, and 19-22 have been amended. Claims16-18, and 21 have been cancelled herein. The claims were also amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or replace European-style claim phraseology with American-style claim language. No new matter is added.   .

The Examiner objected to the specification. Specifically, the Examiner objected to the abstract because the trademark JAVA™ was not capitalized. It is respectfully submitted that the trademark JAVA™ does not appear in the abstract. Applicant therefore respectfully requests that the objection to the abstract be withdrawn.

The Examiner objected to the specification. Specifically, the Examiner stated that the trademark "JAVA™" should be capitalized in the entire specification. Applicant has amended the specification to comply with this request. Applicant therefore respectfully requests that the objection to the specification be withdrawn.

Claim 14 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant disagrees that the term "conditional access system" is not understood. Nonetheless, Applicant has amended Claim 14 to further the prosecution of the present application. Applicant therefore respectfully requests that the rejection under 35 U.S.C. 112, first paragraph, be withdrawn.

Claims 1-3, and 21 were rejected under the judicially created doctrine of obviousness-type double patenting over Claims 2-5, 16-17, and 27 of co-pending Application No. 10/556,761, and further in view of Wasilewski et al.

A timely filed terminal disclaimer may be used to overcome the provisional double patenting rejection provided that the conflicting application and/or patent is shown to be commonly owned with the present application.

In the present case, as indicated by the Examiner, the conflicting application (10/556,761) is commonly owned with the current application and Applicant may file a terminal disclaimer in due course. It is believed that the amendments to the Claims render the obviousness-type double patenting moot.

Accordingly, Applicant requests that the double patenting rejection be withdrawn.

Claims 17, 20, and 21 were rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter. Specifically, the Examiner stated that Claims 17 and 20 are directed to the non-statutory subject matter of software, per se. Claim 17 has been cancelled. Claim 20 has been amended herein to comply with the Examiner's request. Concerning Claim 21, the Examiner stated that the invention claims a signal for transmission in a digital broadcasting system, which is non-statutory subject matter. Claim 21 has been cancelled herein.

Claims 1-5, 7-14, and 16-22 were rejected under 35 U.S.C. §102(b) as being anticipated by Wasilewski et al. (U.S. Patent No. 6,157,719). The rejection is respectfully traversed.

Claim 1, as amended herein, recites, *inter alia*, as follows:

> "...wherein a user of the terminal **selectively accesses** the encrypted application **from a plurality of service providers without subscribing to any of the service providers**." (emphasis added)

Wasilewski fails to disclose or suggest "...wherein a user of the terminal selectively accesses the encrypted application from a plurality of service providers without subscribing to any of the service providers," as recited in amended independent Claim 1.

As understood by Applicant, Wasilewski teaches a cable television system that provides conditional access to services. The cable television system includes a headend from which service "instances," or programs, are broadcast and a plurality of set top units for receiving the instances and selectively decrypting the instances for display to system subscribers. The service instances are encrypted using public and/or private keys provided by service providers or central authorization agents. Keys used by the set tops for selective decryption may also be public or private in nature, and such keys may be reassigned at different times to provide a cable television system in which piracy concerns are minimized. (Abstract) In particular, in Wasilewski, the identifying information is used together with the authorization information to determine if services from a single service provider should be provided to a user (column 9, lines 50-55).

In contrast, in the present disclosure, a user is permitted to selectively access any application (not just a channel), and receive such application from any provider at any time without subscribing to that particular service provider. Support for such feature can be found at least at page 3, lines 1-9 of the present disclosure. As a result, a user can simply pay for any service from any service provider without an ongoing subscription and without the need for a plurality of conditional access modules. This feature is clearly recited in the amended independent Claims 1, 19, 20 and 22 as "a user of the terminal <u>selectively accesses</u> the encrypted application <u>from a plurality of service providers without subscribing to any of the service</u>

providers," in order to clarify that an ongoing subscription is not necessary to receive an application from a service provider.

Specifically, in the present disclosure, at page 8, lines 5-11, it is stated that an Application Information Table (AIT) includes at least a payment method and details of how to contact one or more application providers for selectively accessing one or more desired applications. As a result, the user has the power to select any single application from any of a plurality of service providers at any time without any contractual agreements being established between the user and the plurality of service providers. This is further established in FIG. 3 of the present disclosure. In FIG. 3, at step 502, the user selects an application. At step 506, the application provider merely prompts the user to pay for the selected application. In other words, there is no prompt for subscription information (i.e., subscription to a general bundle of programs) since at step 510 the application provider authenticates the user's request after payment has been received for the single requested application from any service provider. This selective process is also supported at page 12, lines 23-30 of the present disclosure.

In contrast, Wasilewski states that "authorization information 121 may include a key for the service and an indication of what programs in the service the subscriber is entitled to watch" (column 4, lines 55-63). Thus, an entire service (i.e., bundle of programs) must be purchased in order to watch one program or channel within that service that includes a plurality of programs. In other words, in accordance with Wasilewski, a bundle of programs must be purchased as a service by agreeing/contracting to a subscription. Wasilewski does not allow single programs to be purchased separately with no subscription to a general bundle of programs, as do the amended Claims of the present disclosure.

Independent Claims 19, 20, and 22 include similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 1.

Dependent Claims 2-5, 7-14, 16-18, and 21, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claims 19, 20, and 22. Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(b) with respect to dependent Claims 2-5, 7-14, 16-18, and 21 and allowance thereof are respectfully requested.

Claims 6 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of Peng et al. ("Digital Television Application Manager," 2001 IEEE International Conference Multimedia and Expo). The rejection is respectfully traversed.

Dependent Claims 6 and 15, are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claims 19, 20, and 22. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 6 and 15, and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-13, 15, 19-20, and 22, are believed to be in condition for allowance.
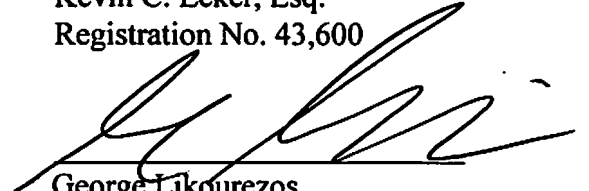
If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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